

## **Article 4 Erosion and Sediment Control Draft – August 8, 2005**

### **4-1 Intent.**

This Article shall provide for, both during and following development, the control of erosion and sedimentation, and shall establish procedures for the administration and enforcement of such controls.

### **4-2 Chapter Adjunctive to Other Provisions.**

It is intended that this chapter be adjunct to the Town of Warrenton's zoning and subdivision ordinances as such ordinance applies to the subdivision and development of land within the Town or to development on previously subdivided land within the Town.

### **4-3 Certain State Erosion and Sediment Control Provisions Adopted.**

Chapter Three of the Virginia Erosion and Sediment Control Handbook and the Virginia Erosion and sediment control regulations (VR625-02-00) amended by the Virginia Soil and Water Conservation Board (VSWCB), effective March 22, 1995, is hereby adopted in its entirety and incorporated herein by reference in this Article as though set out in full herein.

**4-3.1** The Erosion and Sediment Control regulations of the Virginia Soil and Water Conservation Board, effective March 22, 1995, (VR 25-02-00), and as subsequently amended, are incorporated herein by reference. The text of these regulations is on file in the Office of the Director of Public Works. (~~Amended by Council 6/8/99~~)

### **4-4 Application.**

No person may engage in any land disturbing activity, until such person has submitted to the Zoning Administrator, and has been reviewed and approved by the appropriate Town agencies, an Erosion and Sediment Control Plan for such land disturbing activity and necessary bond has been posted and a permit issued, pursuant to this Article.

Development projects disturbing more than 2,000 square feet of land area must comply with the Erosion and Sediment Control regulations of this Article.

**4-5 Permit Required.**

Except as otherwise provided for in Section 4-6 of this Article and Article 11-3.3, no person shall engage in any land disturbing activity, as defined in Article 12, within the Town of Warrenton until they have acquired a Land Disturbance Permit.

**4-6 Exceptions.**

The provisions of this Article shall not apply to the following:

- 4-6.1.** Minor land disturbing activities such as home gardens and individual home landscaping, repairs, maintenance work, if less than 2,000 square feet in land area.
- 4-6.2.** Individual service connections.
- 4-6.3.** Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street, or sidewalk, provided the land disturbing activity is confined to the area of the road, street, or sidewalk, which is hard surfaced.
- 4-6.4.** Septic tank lines or drainage fields unless included in an overall plan for land disturbing activity relating to construction of the building to be served by the septic tank system.
- 4-6.5.** Surface or deep mining.
- 4-6.6.** Exploration or drilling for oil and gas including the well site, roads, feeder lines, and off-site disposal areas.
- 4-6.7.** Tilling, planting, or harvesting or agricultural, livestock feedlot operations, horticultural, or forest crops, including engineering operating as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which the harvesting occurs is reforested artificially or naturally in accordance with the provisions of Article 4, Section 10.1-560, et seq. of the Code of Virginia of 1950 or is converted to bona fide agricultural or improved pasture use as described in Section 10.1-1163 of the Code of Virginia.
- 4-6.8.** Repair or rebuilding of the tracks, right-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company.

- 4-6.9.** Agricultural engineering operations including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act, Chapter 8.1 (Section 62.1-115.1 et seq.) of the Code of Virginia, 1950, as amended, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation.
- 4-6.10.** Disturbed land area of less than two thousand (2,000) square feet in size.
- 4-6.11.** Installation of fence and sign posts or telephone and electric pole and other kinds of posts or poles.
- 4-6.12.** Emergency work to protect life, limb, or property, and emergency repairs; however, if the land disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirement of the plan-approving authority.

#### **4-7 Conditions of Issuance and Fees.**

The issuance of the Land Disturbance Permit shall be conditioned on an approved Erosion and Sediment Control Plan, which plan, or certification of which plan, shall be presented at the time of application for such permit. For the purposes of this Article, when the land disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an Erosion and Sediment Control Plan shall be the responsibility of the owner; and, in addition, the requirements of Section 4-14 of this Article, concerning a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement and is acceptable under the provisions of Section 4-14 shall be met.

A reasonable fee to defray the cost of program administration shall be paid to the town, not to exceed an amount commensurate with the services rendered, taking into consideration the time, skill and Administrator's expense, involved along with the Construction Inspector's time, in accord with a fee schedule as adopted by the Town Council.

#### **4-8 Erosion Impact Areas.**

The Town Council may designate areas in the Town which shall be classified as Erosion Impact Areas. Any such designation or classification shall be deemed to be a component of the local control program. Consistent with this Article, and in order to prevent further erosion, the Administrator may require the approval of a conservation plan for any Erosion Impact Area. Such plan shall be subject to all review, bonding, inspection and enforcement provisions of this Article which apply to Land Disturbance Permits. The plan must be submitted by the property owner.

**4-9 Plan, Generally.****4-9.1 Required Contents Generally.**

An Erosion and Sediment Control Plan shall be required under this Article. The Erosion and Sediment Control Plan shall detail those methods and techniques to be utilized in the control or erosion and sedimentation.

Where land-disturbing activities involve lands under the jurisdiction of more than one local control program an Erosion and Sediment Control Plan may, at the option of the applicant, be submitted to the VSWCB for review and approval rather than to each jurisdiction concerned. Where the land-disturbing activity results from the construction of a single-family residence, an agreement in lieu of a plan may be substituted for an Erosion and Sediment Control Plan if executed by the plan-approving authority.

**4-9.2 ~~Format.~~**

~~As a minimum, the Erosion and Sediment Control Plan shall follow the format as set forth in the Virginia Erosion and Sediment Control Handbook.~~

**4-9.2 Standards, Specifications and Format.**

Approved standards and specifications for control techniques and format to be used in preparing the plan are set forth in the Virginia Erosion and Sediment Control Handbook, which by reference is adopted as part of this Article.